

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHIHIRO NAGAISHI

Appeal No. 95-4968
Application 08/074,518¹

HEARD: June 9, 1998

Before KRASS, FLEMING and LEE, ***Administrative Patent Judges.***

FLEMING, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is a decision on appeal from the final rejection of
claims 1 through 4, all of the claims present in the application.

The invention relates to a character recognizing apparatus
based upon calculating the field of induction of a character.

¹Application for patent filed June 11, 1993.

Independent claim 1 is reproduced as follows:

1. A character recognizing apparatus, comprising:

input means for inputting a character image;

field of induction calculating means for
calculating a field of induction on the retina
of the character image input from said input
means; and

character recognizing means for recognizing a
character based on difference between fields of
induction on the retina of different character
images calculated by said field of induction
calculating means, by quantitatively evaluating a
magnitude of a strain generated when the field of
induction of one character image deforms to be
matched with the field of induction of another
character image.

The reference relied on by the Examiner are as follows:

Foote et al. (Foote)	3,874,586	Apr. 01, 1975
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Claims 1 and 4 stand rejected under 35 U.S.C. § 102 as being anticipated by Foote. Claims 2 and 3 are objected to as being dependent upon a rejected base claim. On page 2 of the Examiner's answer, paper no. 19, the Examiner withdraws the rejection of claims 1 through 4 under 35 U.S.C. § 101.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the briefs and the answers for the details thereof.

OPINION

Appeal No. 95-4968
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After a careful review of the evidence before us, we do not agree with the Examiner that claims 1 and 4 are anticipated by the applied reference.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. ***See In re King***, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.***, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

Appellant's claim 1 recites:

field of induction calculating means for calculating a field of induction on the retina of the character image input from said input means; and

character recognizing means for recognizing a character base on difference between fields of induction on the retina of different character images calculated by said field of induction calculating means, by quantitatively evaluating a magnitude of a strain generated when the field of induction of one character image deforms to be matched with the field of induction of another character image.

Appellants argue on pages 6 and 7 of the brief, filed December 21, 1994, that Foote fails to teach the Appellant's claimed limitations as required under 35 U.S.C. § 102. In particular, Appellants argue that Foote does not disclose a field

of induction calculating means or a character recognizing means for recognizing a character based on difference between fields of induction on the retina of different character images calculated by said field of induction calculating means.

On pages 4 and 5 of the answer, the Examiner argues that Foote teaches a field induction calculating means in column 4, lines 31-44 and lines 56-62. The Examiner further argues that Foote teaches a character recognition means in column 5, lines 11-22.

Appellant further argues in the reply brief², filed May 9, 1995, that Appellant's claimed "field of induction calculating means" is not anticipated by the Foote disclosure at column 4, lines 31-44 and lines 56-62. Appellant argues that Foote teaches four recording heads receiving part of the magnetic induction field from each character being read but at no time does Foote teach calculating a field of induction of the character image input for said input means as claimed by Appellant. Appellant argued in the brief and further emphasized in the oral hearing that the field of induction calculating means must be construed

²We note that the Examiner mailed a letter on August 10, 1995 stating that this reply brief has been entered into the record.

to correspond to the structure that performs the induction field calculation described in the Appellant's specification.

Our reviewing court has stated in *In re Donaldson Co. Inc.*, 16 F.3d 1189, 1193, 29 USPQ2d 1845, 1848 (Fed. Cir. 1994) that the "plain and unambiguous meaning of paragraph six is that one construing means-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure, material, or acts described therein, and equivalents thereof, to the extent that the specification provides such disclosure." We find that Appellant's Figure 1 discloses the field of induction calculating means as block 2 and Appellant discloses that field of induction calculating means calculates the field of induction by the process described on pages 8 and 9 of the Appellant's specification. In particular, the field of induction at a point 30, shown in Figure 3, is calculated based on an analogy to an electric field experienced at a point (30) resulting from unit charges at a series of other points (31-37). The points 21-37 of Figure 3, which are the pixels which form the character to be recognized, are treated as if they had a unit charge which contributes to a field inducted at point 30 by all such unit charges. The summation of the

contributions of all other points represents the field of induction at point 30. The field of induction is calculated at all pixel locations within an area surrounding the character, using equation 1 shown on page 9 of the specification which results in a field associated with the area. Appellant discloses a representation of a calculated field of induction of the character "E" in Figure 4.

Upon a careful review of Foote, we fail to find that Foote teaches the above field of induction calculating means that calculated the field of induction of a character to be recognized as recited in Appellant's claims. Foote teaches using a reading head 26 to measure a magnetic field of an area of alternating zones of magnetization that have been distorted by the embossing of a character. Foote does not calculate a field of induction nor does Foote teach the Appellant's claimed field of induction calculating means as construed to the corresponding structure disclosed in the Appellant's specification. Therefore, we find that Foote fails to teach all of the limitations of claims 1 and 4, and thereby the claims are not anticipated by Foote.

In view of the foregoing, the decision of the Examiner rejecting claims 1 and 4 is reversed.

Appeal No. 95-4968
Application 08/074,518

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
JAMESON LEE)	
Administrative Patent Judge)	

McDermott, Will & Emery
99 Canal Center Plaza
Suite 300
Alexandria, VA 22314